IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 30378 of 2007(N)

PETITIONER:

HASSIM P.,
STAR COTTAGE, PARUTHITHOPPU, BALARAMAPURAM P.O.,
THIRUVANANTHAPURAM - 695 501.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE PRINCIPAL SECRETARY, DEPARTMENT OF HOME, SECRETARIAT, THIRUVANANTHAPURAM.**
3. **THE DIRECTOR GENERAL OF POLICE, POLICE HEAD QUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM.**
4. **THE DEPUTY SUPERINTENDENT OF POLICE, NEYYATTINKARA.**
5. **THE CIRCLE INSPECTOR OF POLICE, NEYYATTINKARA.**
6. **THE SUB INSPECTOR OF POLICE, BALARAMAPURAM POLICE STATION, BALARAMAPURAM.**
7. **SATHEESH, COLLECTION MANAGER (LOAN SECTION), ICICI BANK LIMITED, RAPG DIVISION, 2ND FLOOR, KAMALA TOWERS, GANAPATHY KOVIL ROAD, VAZHUTHACAUD, THIRUVANANTHAPURAM-695 014.**

BY ADV. SRI.K.K.M.SHERIFF
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.P.H.SAVAN KUMAR
BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.30378/2007 N

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:	**COPY OF RELEVANT PAGE OF CERTIFICATE OF REGISTRATION OF THE VEHICLE.**
EXT.P2:	**COPY OF RECEIPT DTD. 22/05/06.**
EXTP2(A):	**....DO.....DO....29/06/06.**
EXT.P2(B):	**.....DO....DO.....13/10/06.**
EXT.P2(C):	**....DO..DO..... 20/11/06.**
EXT.P2(D):	**.....DO...DO..... 26/12/06.**
EXT.P2(E):	**.....DO...DO.....15/02/07.**
EXT.P2(F):	**.....DO....DO.....20/03/07.**
EXT.P2(G):	**.....DO....DO.....20/04/07.**
EXT.P3:	**COPY OF COMPLAINT DTD. 23/08/07.**
EXT.P4:	**COPY OF FIR IN CRIME 331/07 DTD.2/09/07.**
EXT.P5:	**COPY OF NOTICE DTD. 14/08/07.**
EXT.P6:	**COPY OF RECEIPT DTD. 11/05/06.**

/TRUE COPY/

P.S.TO JUDGE

KSS

ANTONY DOMINIC, J.

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W.P.(C) No. 30378 OF 2007 N

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Dated this the 12th December, 2007

J U D G M E N T

Petitioner has filed this writ petition praying for a direction to respondents 1 to 6 to seize the vehicle from the possession of the accused in Crime No. 331/07 of Balaramapuram Police Station and to release the vehicle to the petitioner.

2. It is stated that a crime case has been registered by the Judicial Magistrate of First Class, Neyyattinkara, on a complaint filed by the petitioner. It is now disclosed from the statement filed by the Sub Inspector of Police, Balaramapuram that the case has been referred as according to the investigating officer, supersession of the vehicle by the financier does not disclose an offence under the Penal Code.

3. Now that the crime itself has been referred as above the option available to the petitioner is to take recourse to the provisions available under the Crl. P.C. by filing a protest complaint

before the Magistrate Court and seek search warrant from that court. In view of this, the writ petition is closed.

4. If it is permissible it will be open to the petitioner to seek appropriate orders from the Magistrate Court about which I do not express any opinion.

Writ petition is disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-